

## REMARKS/ARGUMENTS

This Communication is responsive to the Office Action of November 13, 2008.

In the Office Action, the reissue oath/declaration is stated to be defective on the basis of the assertion that it is “misleading.” The Office Action asserts that one reviewing the Declaration would somehow be misled into believing that the signatory, Paul Heinz Bruder, whose address and signature are identical to the address and signature of the inventor, Paul Heinz Bruder, is somehow not himself.

Applicant respectfully traverses the basis of this rejection.

Firstly, there is no basis whatsoever to justify an allegation of any misleading information. As noted above, the name of the person signing and the form and appearance of the signature are identical to that of the inventor listed as his own “legal representative”.

Secondly, although the Declaration describes the signer as a “legal representative” of himself, it is so by definition that every person is a legal representative of himself.

Thirdly, the present reissue application was filed on January 21, 2004, or nearly five years ago. It underwent numerous reviews and examinations, all focused on the form and format of the Declaration. It is simply unfair, as well as unreasonable, to impose yet a further requirement and rejection of the Declaration when, in fact, there is nothing misleading or unclear therein, and where the basis of alleged defect was there for the Examiner to object to five years ago.

Lastly, the applicant’s undersigned representative has telephonically contacted the Examiner’s supervisor and has requested the opportunity to discuss this matter, without success. Accordingly, simple fairness militates in favor of the Examiner reconsidering and withdrawing the rejection of the Declaration. Passage of this application to issuance is earnestly solicited.

THIS CORRESPONDENCE IS BEING SUBMITTED ELECTRONICALLY THROUGH THE UNITED STATES PATENT AND TRADEMARK OFFICE EFS FILING SYSTEM ON FEBRUARY 13, 2009
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Respectfully submitted,



MAX MOSKOWITZ

Registration No.: 30,576

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700